

## ASSIGNEE'S SALE OF VALUABLE, FEE SIMPLE, IMPROVED REAL ESTATE

located in the Tuscarora Election District of a Frederick County, Maryland.

Under and by virtue of a power of sale contained in a mortgage from Robert A. Perrygo, Richard M. Winters, Robert D. Osburn, Jr., Robert D. Osburn, Jr., Trustee for Laura D. Osburn, a minor, and Zimmerman Development Company, Inc., a body corporate of the State of Maryland, unto Farmers and Mechanics National Bank dated May 7, 1982, said mortgage being recorded at Book 1170, page 723, one of the Land Records of Frederick County, with said mortgage being in default and having been assigned unto the undersigned assignee for foreclosure, the undersigned will offer for sale at public auction at the clock tower of the Frederick County Courthouse located at 100 West Patrick Street in Frederick City, Maryland, on:

**TUESDAY, OCTOBER 15, 1985**

**AT 10:00 A.M.**

all the following real estate and improvements being subject to the above mortgage:

**PARCEL NO. II:** All that piece or parcel of land situate, lying and being in the Tuscarora Election District No. 21, Frederick County, Maryland.

Beginning for the same at an iron pipe found, said iron pipe being at the beginning point of the first parcel of a conveyance unto Charles T. and Rosa M. Wallace by Charles H. and Ada T. Masser by deed dated 25 February, 1933, and recorded in Liber 416, folio 145, among the Land Records of the aforementioned county; thence with part of the first line of said conveyance,  $12^{\circ} 23' 00''$  East 513.13 feet to a stone; said stone being at the end of the second line of a conveyance unto George W. Stone by Nathan O. Neighbours by deed dated 13 January, 1899, and recorded in Liber DHH 3, folio 365, among the Land Records of said county; thence running with the third and fourth lines of said conveyance (2) North  $83^{\circ} 43' 08''$  West 596.74 feet to a stone found; thence running (3) North  $12^{\circ} 40' 06''$  East 212.74 feet to an iron pipe; said iron pipe being on the second line of the first parcel of a conveyance unto Charles T. and Rosa M. Wallace by Charles H. and Ada T. Masser, and recorded in Liber 416, folio 145, among the Land Records of said county; thence running with part of said second line (4) North  $83^{\circ} 44' 32''$  West 973.41 feet to an iron pipe; said iron pipe being on the eastern right-of-way line the following three lines (5) A curve to the right having a radius of 532.14 feet and an arc length of 109.70 feet to an iron pipe; thence (6) South  $00^{\circ} 18' 09''$  West 743.59 feet to an iron pipe; thence running with (7) A curve to the left having a radius of 454.71 feet and an arc length of 308.31 feet to an iron pipe; said iron pipe being on the northern boundary of the "Young Development Co." Subdivision as recorded in Plat Book 19, plat 15, among the Plot Records of the aforementioned county; thence leave aforementioned right-of-way line and running with the northern boundary of said "Young Development Co." Subdivision the following two lines (8) North  $65^{\circ} 27' 31''$  East 308.47 feet to an iron pipe; thence (9) North  $85^{\circ} 55' 42''$  East 485.65 feet to an iron pipe; said iron pipe being at the northwest corner of the C. Burton Cannon Subdivision as recorded in Plat Book 16, plat 7, among the Plot Records of said county; thence running with the northern boundary of said subdivision (10) North  $80^{\circ} 11' 13''$  East 552.86 feet to the place of beginning, containing a computed area of 27.636 acres of land; SAVING AND EXCEPTING Lot 401, Lot 402, Lot 403 and 0.336 acre right of way dedication area, all as shown on a plat entitled "Combined Preliminary/Final Plat, Section IV — Lots 401, 402, 403, Wooded Acres", recorded among the Plot Records of Frederick County, Maryland, in Plat Book 26, page 25, said lots and right of way area containing in the aggregate 12.397 acres of land, more or less, the remaining land containing 15.239 acres, more or less.

BEING a part of that same real estate described in a deed dated October 15, 1979, from Robert A. Perrygo, et al., unto Robert A. Perrygo, Richard M. Winters, Robert D. Osburn, Jr., and Robert D. Osburn, Jr., Trustee for Laura D. Osburn, a minor, said deed being recorded at Liber 1129, folio 820, among the Land Records of Frederick County, Maryland.

The property to be foreclosed and described herein is unimproved land. The property is being sold "as is" and pursuant to the description contained in the aforesaid mortgage, deed and other land records, and the successful purchaser will be buying such property in total, regardless of deficiency or surplus in actual computed area.

AND ALSO BEING all that real estate (excluding dedicated area mentioned above) described in a deed from Richard M. Winters, et al., unto Robert A. Perrygo, dated October 9, 1984, and recorded at Book 1264, folio 223, among the Land Records of Frederick County, Maryland.

**TERMS OF SALE:** A deposit of \$5,000.00 of the sale price will be required of the purchaser at the time and place of sale in the form of cashier's, certified or other check acceptable to Assignee, payable or endorsed to the Assignee. The balance of the purchase price (unless extended in the sole discretion of the Assignee) shall be paid within 15 business days of the ratification of the sale by the Circuit Court for Frederick County, Maryland, with interest to be paid on the unpaid balance of the purchase price from the date of auction sale to the date of final settlement at the rate of 12% per annum. Taxes and other public charges and assessments shall be adjusted for current year payment to date of sale and assumed thereafter by the purchaser. Assignee reserves the right to withdraw the herein described property from sale at any time. In the event of default, the Assignee reserves the right to declare as forfeited the deposit of purchaser as liquidated damages, to resell the property at the purchaser's risk, to initiate an action for specific performance, and/or to pursue any other remedy as may be available at law or in equity. The property herein is being sold subject to all Federal, State and County laws and ordinances which may affect the property and/or its use, as well as all easements, restrictions, covenants, conditions and other matters of record which may be superior to the mortgage being foreclosed.

All costs incident to the settlement and conveyancing, including without limitation, recording costs and taxes, transfer taxes, revenue stamps, settlement fees, notary fees, title search, and title charges and premiums will be at the cost of the purchaser. The purchaser at foreclosure sale is hereby notified that there may be associated as a cost of conveyance of the property, a State Agricultural Transfer Tax. If so, such transfer tax shall be at the cost of purchaser.

NOTE: For additional information, contact the Assignee or auctioneer.

**JOSEPH S. WELTY**

Assignee

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